

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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CIRIACO PUCILLO,	)	
	)	
	Plaintiff,	)
	)	)
v.	)	Case No. 03-CV-12359 MLW
	)	
METSO PAPER, INC. AND	)	
VALMET CONVERTING, INC.	)	
	Defendants.	)
	)	

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**DEFENDANTS RESPONSE TO PLAINTIFFS MOTION  
TO MODIFY SCHEDULING ORDER TO ESTABLISH  
DEADLINES FOR EXPERT TESTIMONY**

On August 22, 2005, plaintiff filed a motion petitioning the Court to modify the Scheduling Order governing this action by establishing a timetable for expert discovery. On August 5, 2005, defendants had submitted a motion to modify the Scheduling Order to permit the filing of dispositive motions. At this time, the Scheduling Order permits neither the filing of dispositive motions nor the conduct of expert discovery.

For the reasons set forth in defendants' memorandum in support of their motion to permit dispositive motions and defendants' reply memorandum in further support thereof filed on August 22, 2005, defendants submit that the next appropriate phase of this case should be the filing of dispositive motions. Therefore, defendants oppose plaintiff's motion to engage in expert discovery.

Date: August 29, 2005

Respectfully submitted,

/s/ David L. Kelleher \_\_\_\_\_

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Valmet Converting, Inc.*

**CERTIFICATE OF SERVICE**

I, David L. Kelleher, hereby certify that on August 29, 2005, I caused a copy of the foregoing Defendants' Response to Plaintiff's Motion to Modify Scheduling Order to Establish Deadlines for Expert Testimony, to be filed and served by the Court's electronic filing system and an additional copy served by mailing, first class, postage prepaid, directed to:

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*/s/ David L. Kelleher* \_\_\_\_\_  
David L. Kelleher